

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARTIN W. JONES,	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	CIVIL ACTION NO. 19-CV-4460
	:	
WILLIE SHELLY,	:	
<i>Defendant.</i>	:	

ORDER

AND NOW, this 9th day of October, 2019, upon consideration of Plaintiff Martin W. Jones's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Martin W. Jones, #NN-4778, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Rockview or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Jones's inmate account; or (b) the average monthly balance in Jones's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Jones's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding

month's income credited to Jones's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court shall **SEND** a copy of this Order to the Superintendent of SCI Rockview.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons in the Court's Memorandum.

6. Jones is given leave to amend within thirty (30) days of the date of this Order in the event he can state a plausible basis for a claim against Shelly. Any amended complaint should clearly set forth the factual basis for Jones's claims against Shelly. In drafting any amended complaint, Jones should be mindful of the Court's reasons for dismissing his initial Complaint. Upon the filing of any amended complaint, the Clerk of Court shall not make service until so **ORDERED** by the Court.

7. The Clerk of Court is **DIRECTED** to furnish Jones with a blank copy of this Court's current standard form to be used by a self-represented litigant filing a civil action bearing the above-captioned civil action number.

8. If Jones fails to comply with this Order, his case may be dismissed without further notice for failure to prosecute.

BY THE COURT:

/s/ Gerald J. Pappert

GERALD J. PAPPERT, J.